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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
DIVISION

RICHARD W. NAGEL  
Clerk Of Court  
CINCINNATI, OHIO

Donald G. Smith Jr

(Enter Above the Name of the Plaintiff in this Action)

1:22CV690.

JUDGE MCFARLAND

vs.

MAGISTRATE JUDGE LITKOVITZ

(Enter above the name of the Defendant in this Action)

If there are additional Defendants, please list them:

City of Hamilton, Ohio

Police officer John Ebbing (Personal & official capacity)

COMPLAINT

I. Parties to the action:

Plaintiff: Place your name and address on the lines below. The address you give must be the address where the court may contact you and mail documents to you. A telephone number is required.

Donald Gene Smith Jr

Name - Full Name Please - PRINT

428 N. 9th St.

Street Address

Hamilton, Ohio, 45011

City, State and Zip Code

(513) 849-3553

Telephone Number

If there are additional Plaintiffs in this suit, a separate piece of paper should be attached immediately behind this page with their full names, addresses and telephone numbers. If there are no other Plaintiffs, continue with this form.

Defendant(s):

Place the name and address of each Defendant you listed in the caption on the first page of this Complaint. This form is invalid unless each Defendant appears with full address for proper service.

1. Officer John Ebbing (Personal and official)  
Name - Full Name Please

331 S. Front St Hamilton, Ohio, 45011  
Address: Street, City, State and Zip Code

2. City of Hamilton  
315 High St, Hamilton, Ohio, 45011

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

If there are additional Defendants, please list their names and addresses on a separate sheet of paper.

II. Subject Matter Jurisdiction

Check the box or boxes that describes your lawsuit:

☒ Title 28 U.S.C. § 1343(3)  
[A civil rights lawsuit alleging that Defendant(s) acting under color of State law, deprived you of a right secured by federal law or the Constitution.]

☒ Title 28 U.S.C. § 1331  
[A lawsuit "arising under the Constitution, laws, or treaties of the United States."]

☐ Title 28 U.S.C. § 1332(a)(1)  
[A lawsuit between citizens of different states where the matter in controversy exceeds \$75,000.]

☒ Title 42 United States Code, Section 1983  
[Other federal status giving the court subject matter jurisdiction.]

### III. Statement of Claim

Please write as briefly as possible the facts of your case. Describe how each Defendant is involved. Include the name of all persons involved, give dates and places.

Number each claim separately. Use as much space as you need. You are not limited to the papers we give you. Attach extra sheets that deal with your statement claim immediately behind this piece of paper.

on or about 10-8-22 at  
8pm → I was approaching an Active Crime Scene That was already taped off by The Hamilton City police. I approached and started walking down the outside of the tape. I was approached By officer Ebbing of The Hamilton police dept, who immediately began Screaming at me, and crossed over the tape and got within inches of my face, I replied "stop screaming in my face, Servant", I ~~turned~~ turned to walk away and was grabbed from Behind Arms twisted behind my back re-injuring an old Arm+Shoulder injury. my phone was snatched and turned off, after I warned him it was a 1<sup>st</sup> Amendment violation to do so. I was slammed against a police car, turned around and screamed at how I ~~can~~ must do anything a cop tell's me. and I can't curse and yell at cop's even if they are doing that to me. after several minutes officer Ebbing Calmed down. I advised him of Cohen v California and City of Houston v Hill, which states otherwise. I told Ebbing I was filing a complaint, he then threatened to cite me if I did so. So I led him to believe I wouldn't out of fear of Retaliation against me.

IV. Previous lawsuits:

If you have been a Plaintiff in a lawsuit, for each lawsuit state the case number and caption.  
(Example, Case Number: 2:08-cv-728 and Caption: John Smith vs. Jane Doe).

Case Number

Caption

_____	_____	vs. _____
_____	_____	vs. _____
_____	_____	vs. _____

V. Relief

In this section please state (write) briefly exactly what you want the court to do for you. Make no legal argument, cite no case or statutes.

I want reimbursed for my pain, suffering and for my rights being violated, and to see the hampton police re-educated on civil rights. I'm asking for the sum of ~~\$160,000.00~~ for my damages (that's \$160K)

I state under penalty of perjury that the foregoing is true and correct. Executed on

this 13 day of November, 20 22

  
\_\_\_\_\_  
Signature of Plaintiff

# Continued

1- Hamilton police Officer John Ebbing did acting in his official Capacity use force on Donald G. Smith Jr. While Mr. Smith was in a place he was lawfully allowed to be and not breaking any law's. Mr. Ebbing grabbed and twisted Mr. Smith's arms Violently behind his back, grabbed Mr. Smith's Cell phone knowing at the time Mr. Smith was Exercising his <sup>1st</sup> Amendment Right, and did notify officer Ebbing he was doing a Constitutionally protected activity.

2. Officer Ebbing Violated Mr. Smith's 1<sup>st</sup> amendment By turning off his phone.

3. Officer Ebbing violated Mr. Smith's 4<sup>th</sup> Amendment By using force illegally on Mr. Smith and also By moving Mr. Smith from where he wanted to be, to where he didn't want to be.

4. Officer Ebbing violated the 14<sup>th</sup> Amendment by seizing Mr. Smith and his property without cause.

5. The City of Hamilton - Failed to properly train an agent of their City, they give Authority to to MAKE legal decisions on their Behalf, and incarcerate on their behalf,